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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

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11 WESTERN NATIONAL INSURANCE
GROUP,

12 Plaintiff,

13 v.

14 CARRIE M. HANLON, ESQ., and MORRIS,
15 SULLIVAN, LEMKUL & PITEGOFF, and
DOES 1 through 10 and ROE
16 CORPORATIONS I-X,

17 Defendants.

Case No. 2:17-CV-00825-JCM-CWH

**STIPULATION AND ORDER TO
ENLARGE TIME FOR DEFENDANTS'
TO FILE AN ANSWER TO PLAINTIFF'S
COMPLAINT**

(First Request)

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19 The parties respectfully submit the following stipulation to allow Defendants time to file an
20 answer to Plaintiff's Complaint filed on March 21, 2017.

21 **Reason for this Request**

22 Plaintiff served its Complaint on Defendant on March 21, 2017. On April 14, 2017,
23 Defendants filed a Motion to Dismiss Complaint or in the Alternative Motion to Stay Proceedings
24 Pending Outcome of State Court Appeal (Dkt. Nos. 8, 9). The U.S. Magistrate Judge denied the
25 Motion to Stay on May 30, 2017. (Dkt No. 15). Defendants filed their Objection to that decision on
26 June 12, 2017. (Dkt. No. 17). On December 27, 2017, this Court issued an Order denying
27 Defendants' Motion to Dismiss and their Objection to the U.S. Magistrate Judge's decision to deny
28

1 the stay (Dkt. No. 35). At this point, the parties had already been actively litigating this case,
2 including participating in discovery and attempting to enter mediation to find a resolution.

3 Since the Court's Order, the parties have continued their active participation in this case.
4 Defendants filed a Verified Petition for Permission to Practice Pro Hac Vice for Attorney Jerry
5 Casheros and Designation of Local Counsel Dylan Todd on February 20, 2018. (Dkt. No. 37). The
6 Court granted that Petition on February 23, 2018. (Dkt. No. 38).

7 Additionally, the parties filed their third Stipulation for Extension of Time re: Discovery
8 Deadlines on April 16, 2018. (Dkt. No. 39). In that Stipulation, the parties set forth their status in
9 seeking mediation as well. *Id.* at 4:19-24. The U.S. Magistrate Judge issued an Order granting the
10 Stipulation on April 19, 2018. (Dkt. No. 40). The parties have also stipulated to amend the caption in
11 this matter. *See* (Dkt. Nos. 41, 42).

12 Despite all of the good-faith participation in this case, On July 11, 2018, Defendants realized
13 that they have not filed an Answer to Plaintiff's Complaint in this matter. That same day, Defendants
14 filed a Motion to Extend Time pursuant to FRCP 6(b)(1)(b). (Dkt. No. 43). Prior to filing that
15 Motion, Defendants' Counsel attempted to contact Plaintiff's Counsel to inquire as to whether a
16 stipulation would be possible. Defendants' Counsel was unsuccessful in reaching Plaintiff's Counsel,
17 thus he immediately filed the Motion in an abundance of Caution and due to the fact that defense
18 counsel would be out of the town for the proceeding four (4) days.

19 On July 16, 2018, counsel for the parties were able to meet and confer telephonically.
20 Plaintiff's Counsel agreed to stipulate to Defendants filing their Answer which was attached as
21 ***Exhibit A*** to Defendants' Motion to Extend Time. (Dkt. No. 43-2).

22 As all parties have been actively litigating this matter as if an Answer were already on file, the
23 parties agree that there has been no prejudice suffered due to the Answer's absence. The parties have
24 therefore stipulated that the new deadline to respond to the complaint is **July 18, 2018**.

25 **Good Cause and Excusable Negligent**

26 Good cause exists for the granting of the extension, as both parties have been participating in
27 this matter as if an Answer was already on file. The parties have exchanged discovery and have
28 conducted depositions since the Court's December 27, 2017 Order.

1 Additionally, while the litigation was ongoing in this case, it also continued in the related case
2 in the Nevada Supreme Court. (Docket No. 72723). The Nevada Supreme Court case is now fully
3 briefed and is awaiting disposition or an Order to appear for Oral Argument.

4 The parties intend to mediate this case. Although the parties had anticipated mediation going
5 forward in June 2018, the mediator that the parties agreed upon became unavailable until December
6 2018. The parties are working diligently to find a new mediator in hopes that this case may be
7 resolved expeditiously.

8 As soon as Defendants' Counsel became aware that no Answer had been filed, he immediately
9 filed his Motion to Extend Time pursuant to FRCP 6(b)(1)(B). (Dkt. No. 43). Although Defendants'
10 Counsel was unable to reach Plaintiff's Counsel prior to filing the Motion, Counsel have now
11 conferred and Plaintiff's Counsel has agreed to stipulate and allow Defendants to file their Answer.

12 Plaintiff has not been prejudiced due to the absence of an Answer. The parties have
13 participated in this case in good-faith and hope to mediate the matter as soon as possible. The parties
14 have already devoted a significant amount of resources to litigating this matter. Plaintiff has not and
15 does not intend to file a Motion for Default Judgment. Instead, the parties hope to continue to move
16 forward in good-faith. The combined lack of prejudice and good-faith participation on the part of both
17 parties demonstrates that any neglect is excusable. Accordingly, the parties agree that good cause
18 exists to allow Defendants to file their Answer.

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1 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties, through
2 their respective counsel, that Defendants shall answer Plaintiff's Complaint by Wednesday, July 18,
3 2018.

4 IT IS SO STIPULATED.

5 DATED this 16th day of July, 2018

6 McCORMICK, BARSTOW, SHEPPARD,
7 WAYTE & CARRUTH LLP

8 By /s/ Dylan P. Todd

Dylan P. Todd

9 Nevada Bar No. 10456

10 8337 West Sunset Road, Suite 350

11 Las Vegas, Nevada 89113

12 Attorneys for Carrie M. Hanlon, Esq. and Morris,
13 Sullivan, Lemkul & Pitegoff

14 DATED this 16th day of July, 2018

15 OLSON, CANNON, GORMLEY,
16 ANGULO & STOBERSKI

17 By /s/ Peter M. Angulo

Peter M. Angulo, Esq.

18 Nevada Bar No. 3672

19 9950 West Cheyenne Avenue

20 Las Vegas, Nevada 89129

21 Attorneys for Western National Insurance Group

22 DATED this 18 day of July, 2018

23 By

24 
UNITED STATES MAGISTRATE JUDGE

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 16th day of July, 2018, a true and correct copy of this
3 completed **STIPULATION AND ORDER TO ENLARGE TIME FOR DEFENDANTS' TO**
4 **FILE AN ANSWER TO PLAINTIFF'S COMPLAINT** upon all counsel of record by electronically
5 filing the document using the Nevada Supreme Court's electronic filing system.

6 Peter Angulo
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13 By /s/ Tricia A. Dorner
14 Tricia A. Dorner, an Employee of
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